

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: JUUL LABS, INC., MARKETING SALES
PRACTICE AND PRODUCTS LIABILITY
LITIGATION

3:19-md-02913 (WHO)

Hon. William H. Orrick

*This Document Relates to All Plaintiffs Identified in
Exhibit A*

**JLI'S NOTICE OF MOTION TO DISMISS WITHOUT PREJUDICE FOR FAILURE TO
SUBMIT DISCOVERY REQUIRED BY CASE MANAGEMENT ORDER NO. 8**

PLEASE TAKE NOTICE that on January 21, 2022, or as soon thereafter as this matter may be heard, in Courtroom 2 of this Court, located at 450 Golden Gate Avenue, 17th Floor, San Francisco, California, Defendant Juul Labs, Inc. ("JLI") will and hereby does move for the Court to dismiss without prejudice plaintiffs identified in Exhibit A to JLI's Motion for failure to submit discovery required by Case Management Order No. 8. The Motion is based on this Notice of Motion and the following Motion to Dismiss.

Dated: December 6, 2021

/s/ Pierce N. Giboney

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Attorneys for Defendant Juul Labs, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2021, I electronically served the foregoing Motion on all counsel of record in this action using the CM/ECF system.

/s/ Pierce N. Giboney

Pierce N. Giboney

1 **UNITED STATES DISTRICT COURT**
2 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

3
4 IN RE: JUUL LABS, INC., MARKETING SALES
5 PRACTICE AND PRODUCTS LIABILITY
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3:19-md-02913 (WHO)

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7 *This Document Relates to All Plaintiffs Identified in*
8 *Exhibit A*

9
10 **JLI'S MOTION TO DISMISS WITHOUT PREJUDICE FOR FAILURE TO SUBMIT**
11 **DISCOVERY REQUIRED BY CASE MANAGEMENT ORDER NO. 8**

12 Case Management Order ("CMO") No. 8 requires that every plaintiff asserting a personal
13 injury or wrongful death claim in a case entered on the MDL 2913 docket submit a substantially
14 complete Plaintiff Fact Sheet ("PFS") within 60 days after the complaint has been entered. (CMO
15 No. 8 § 5 (Docket No. 406)).

16 Pursuant to Sections 5 and 12 of CMO No. 8, on November 3, 2021, JLI served counsel of
17 record for the plaintiffs identified in Exhibit A with a Notice of Overdue Discovery (the "Notice"),
18 identifying their overdue discovery, and notifying them that their cases may be subject to dismissal
19 for failure to comply with the Court's discovery orders. (CMO No. 8 ¶ 12; Affidavit of Pierce
20 Giboney ("Aff.") ¶¶ 4-5.)

21 The plaintiffs identified in the Notice were required to submit a completed PFS on or before
22 December 3, 2021, or risk having their claims dismissed. (CMO No. 8 ¶ 12). The plaintiffs identified
23 in Exhibit A have not responded to the Notice and have not subsequently produced a Plaintiff Fact
24 Sheet. (Aff. ¶¶ 6-7.) The plaintiff identified in Exhibit A Row 1 failed to serve a Plaintiff Fact Sheet
25 even after JLI granted them an additional 30-day extension. (Aff. ¶ 3.)

26 Pursuant to CMO No. 8, JLI hereby moves to dismiss, without prejudice, the claims of the
27 plaintiffs identified in Exhibit A who have not submitted a completed PFS. Pursuant to CMO No. 8,
28 the plaintiffs subject to the foregoing Motion must file a response no later than **December 20, 2021**,

1 either (a) certifying that the plaintiffs have submitted a completed PFS or (b) opposing the Motion
2 for other reasons.

3
4 Dated: December 6, 2021

/s/ Pierce Giboney

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